

HOUSE BILL 417

N2, D2

CONSTITUTIONAL AMENDMENT

0lr1319

By: **Delegates Rosenberg, Cardin, and Haynes**

Introduced and read first time: January 29, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Orphans’ Court Judges – Qualifications**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to
4 prescribe different qualifications for judges of the Orphans’ Court for Baltimore
5 City; requiring judges of the Orphans’ Court for Baltimore City to have been
6 admitted to practice law in this State and be members in good standing of the
7 Maryland Bar; making certain technical changes; and submitting this
8 amendment to the qualified voters of the State of Maryland for their adoption or
9 rejection.

10 BY proposing an amendment to the Maryland Constitution
11 Article IV – Judiciary Department
12 Section 40

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
15 concurring), That it be proposed that the Maryland Constitution read as follows:

16 **Article IV – Judiciary Department**

17 40.

18 (A) The qualified voters of [the City of Baltimore, and of] the several
19 Counties, except Montgomery County and Harford County, shall elect three Judges of
20 the Orphans’ Courts of [City and] Counties[, respectively,] who shall be citizens of the
21 State and residents, for the twelve months preceding, in the [City or] County for
22 which they may be elected.

23 (B) **THE QUALIFIED VOTERS OF THE CITY OF BALTIMORE SHALL ELECT**
24 **THREE JUDGES OF THE ORPHANS’ COURT FOR BALTIMORE CITY WHO SHALL**
25 **BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PRECEDING, IN BALTIMORE CITY AND WHO HAVE BEEN ADMITTED TO
2 PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE
3 MARYLAND BAR.

4 (C) [They] THE JUDGES shall have all the powers now vested in the Orphans'
5 Courts of the State, subject to such changes as the Legislature may prescribe.

6 (D) Each of the Judges shall be paid such compensation as may be regulated
7 by Law, to be paid by the City or Counties, respectively.

8 (E) In case of a vacancy in the office of Judge of the Orphans' Court, the
9 Governor shall appoint, subject to confirmation or rejection by the Senate, some
10 suitable person to fill the vacancy for the residue of the term.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
12 determines that the amendment to the Maryland Constitution proposed by this Act
13 affects only the City of Baltimore and that the provisions of Article XIV, § 1 of the
14 Maryland Constitution concerning local approval of constitutional amendments apply.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
16 proposed as an amendment to the Maryland Constitution shall be submitted to the
17 legal and qualified voters of this State at the next general election to be held in
18 November, 2010 for their adoption or rejection pursuant to Article XIV of the
19 Maryland Constitution. At that general election, the vote on this proposed amendment
20 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
21 words "For the Constitutional Amendment" and "Against the Constitutional
22 Amendment," as now provided by law. Immediately after the election, all returns shall
23 be made to the Governor of the vote for and against the proposed amendment, as
24 directed by Article XIV of the Maryland Constitution, and further proceedings had in
25 accordance with Article XIV.